

REMARKS

Responsive to the Office Action mailed December 7, 2009, Applicants provide the following. Twenty-Nine (29) are currently pending in the application: Claims 1-5 and 7-30. Claim 30 has been amended to correct a typographical error; no new matter has been added. Reconsideration of claims 1-5 and 7- 30 in view of the remarks below is respectfully requested.

By way of this amendment, Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues, it is respectfully requested that the Examiner telephone the undersigned at (805) 781-2865 so that such issues may be resolved as expeditiously as possible.

Claim Rejections - 35 U.S.C. § 102

Claims 1-5, 7-16 and 23-28 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,343,317 to Jokinen. Applicants respectfully traverse these rejections and submit that Jokinen fails to describe or suggest at least each limitation as recited in claims 1, 16 and 23.

More specifically, claim 1 recites:

detecting a device capable of receiving and transmitting an electronic message;
searching for a plurality of promotions stored in a storage module;
receiving a signal from the detected device and detecting a device profile
corresponding to the device using information contained in the signal wherein the device
profile contains a preference for a product or a service and a geographical boundary; and
selecting a particular promotion from the plurality of promotions based on the
preference for the product or the service and the geographical boundary associated with
the device profile.

Jokinen fails to describe or suggest each limitation as recited in amended claim 1. For example, Jokinen fails to describe, “receiving a signal from the detected device and detecting a device profile corresponding to the device using the information contained in the signal.”

The Examiner in suggesting that Jokinen describes “receiving a signal from the detected device”, cites to col. 5, lines 22-32 stating “there are several ways in which the mobile devices are tracked through the mobile network including using GPS, a cell identification system, and/or a system that can identify coordinates of the mobile device using location information of a short

range network node. In all of these instances, a signal providing some identification information (in addition to location) of the mobile device must be sent from the mobile device,” (Office Action, pg. 4). The Examiner then goes on to state that “the signal from the device is then used to determine the profile of the mobile device” (Office Action, pg. 5). Applicant’s respectfully disagree with the Examiner and submit that Jokinen fails to describe or suggest what is asserted by the Examiner.

Even assuming that the Examiner’s assumption that “a signal providing some identification information (in addition to location) of the mobile device must be sent from the mobile device” is correct, there is no discussion in Jokinen of detecting a device profile corresponding to the device using the information contained in this signal. Instead, Jokinen discloses a method of sending advertisements where the Jokinen advertisement server 40 checks the database 45 to determine a number of available devices, then the server 40 looks at the profile of the available devices in a database 36 and “determines the potential customers who should receive a particular advertising message based on the profiles.” (See Jokinen, col. 6, ln. 32-col. 7, ln. 2 and FIG. 3A).

Therefore, Jokinen fails to disclose detecting a device profile using the information contained in the signal. Instead, Jokinen determines the available devices for which advertisements can be provided by checking all of the devices within database 45 (see Jokinen, col. 6, lns. 50-65). The device profile is retrieved from the database 45 independent of any communication from the device, and the device is contacted based on the determination by the advertisement server 40 that the device is available (see Jokinen, col. 6, lns. 50-65). As such, Jokinen does not disclose, “receiving a signal from the detected device and detecting a device profile corresponding to the device using the information contained in the signal,” as recited in at least claim 1, and therefore, claim 1 is not anticipated by Jokinen. As such, Applicants respectfully request that the rejection to claim 1 be withdrawn.

Independent claim 16 recites language similar to that of claim 1 and therefore, is also not anticipated by Jokinen. As such, Applicants respectfully request that the rejection to claim 16 be withdrawn.

Independent claim 23 recites, “receiving a signal from the device containing information and retrieving the user profile information using the information.” Applicants respectfully submit that Jokinen fails to describe or suggest this limitation at least for the same reasons as discussed above with respect to claim 1. As such, Applicants respectfully request that the rejection to claim 23 be withdrawn.

Claims 2-5, 7-15 and 24-28 depend from independent claims 1 and 23. As such, these claims are also allowable at least due to their dependence on allowable independent claims 1 and 23. As such, Applicants respectfully request that the rejection to these claims be withdrawn.

Claims 17-22 and 29-30 are rejected under 35 U.S.C. 102(a, e) as being unpatentable over U.S. Patent Application Pub. No. 2003/0195833 to Baranowski et al. Applicants respectfully traverse these rejections and submit that Jokinen fails to describe or suggest at least each limitation as recited in claims 17 and 29.

Claim 17 recites, in part:

“detecting a plurality of devices capable of receiving and transmitting an electronic message;
detecting a jointly scheduled meeting stored on at least one of the plurality of devices, wherein the scheduled meeting is among participants including at least one participant associated with the at least one of the plurality of devices;
receiving a location parameter from the at least one of the plurality of devices for the scheduled meeting;
searching for a plurality of promotions stored in a storage module; and
selecting a particular promotion from the plurality of promotions based on the location parameter. ”

Applicants respectfully submit that above cited combination fails to describe, detecting a jointly scheduled meeting stored on at least one of the plurality of devices, and receiving a location parameter from the at least one of the plurality of devices for the scheduled meeting.

The Examiner, equates the jointly scheduled meeting of claim 17 with the scheduled meetings among participants of the tradeshow (Office Action, pg. 9). Next, in asserting that Baranowski describes “receiving a location parameter from the at least one of the plurality of devices for the scheduled meeting,” the Examiner cites to paragraph 52 of Baranowski stating,

“Time and location for the scheduled meeting/event may be managed by the attendee via the portable device” (OA, pg. 9). The cited portion of Baranowski describes that once the system creates a schedule, it is transmitted to the controller which “can send the time and location of the next event on each attendee’s schedule to the portable device (100) used by that attendee.” Baranowski fails to disclose that the location data is sent from the device and instead describes sending the information to the device (para. 52).

Paragraph 12 cited by the Examiner as describing selecting a particular promotion as recited in claim 17 describes display advertisements to attendees according to their schedules and locations by the system (see Baranowski, para. 12 and Office Action, pg. 10). The time and schedule, as described in paragraph 52, is determined by the system before being sent to the device. Therefore, Baranowski does not disclose receiving the position information from a device and instead only describes sending data to the device. As such, Baranowski fails to describe all of the limitations of claim 17, and therefore claim 17 is not anticipated by the Baranowski references. Accordingly, Applicants respectfully request that the rejection of claim 17 be withdrawn.

Independent claim 29 recites language similar to that of claim 17, and therefore is also not anticipated at least for the reasons discussed above. As such, Applicants respectfully request that the rejection to claim 29 be withdrawn.

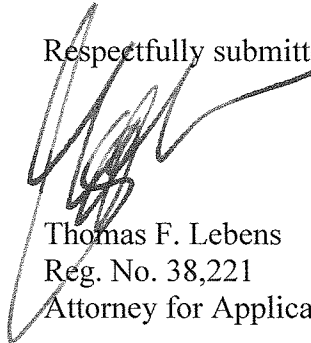
Claims 18-22 and 30 are dependent upon claims 17 and 29 respectively, and thus, are also allowable at least due to their dependence upon allowable independent claims 17 and 29. As such, Applicants respectfully request that the rejection to claims 18-22 and 30 be withdrawn.

CONCLUSION

Applicant submits that the above remarks place all of the pending claims in condition for allowance. Accordingly, a notice of allowance is respectfully requested.

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Respectfully submitted,



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